

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00 DLOS-06 DODE-00

DOT-00 EB-07 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02

INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-02 OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15

USIA-15 SAL-01 /153 W

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R 022045Z JUL 76

FM AMCONSUL VANCOUVER

TO RUEHC/SECSTATE WASHDC 2884

AMEMBASSY OTTAWA 1333

UNCLAS VANCOUVER 0696

E.O. 11652: NA

TAGS: EMIN, PBOR, CA

SUBJECT: APPEALS COURT RULES BC OWNS GEORGIA STRAIT SEABED

1. IN A THREE TO TWO SPLIT DECISION, THE BC COURT OF APPEAL RULED ON JUNE 30 THAT BC OWNS THE SEABED BETWEEN VANCOUVER ISLAND AND THE MAINLAND. COURT HAD BEEN ASKED TO DECIDE WHETHER "LANDS OR ANY PART THEREOF INCLUDING THE MINERALS AND OTHER NATURAL RESOURCES OF THE SEABED AND SUBSOIL COVERED BY THE WATERS OF THE STRAIT OF JUAN DE FUCA, THE STRAIT OF GEORGIA, JOHNSTONE STRAIT AND QUEEN CHARLOTTE STRAIT" BELONGED TO THE PROVINCE OR GOVERNMENT OF CANADA. RULING IN FAVOR OF THE PROVINCE WAS CALLED "OUR MAGNA CARTA" BY PROVINCIAL ATTORNEY GENERAL GARDE GARDOM AS REPORTED IN TODAY'S VANCOUVER DAILY, PROVINCE. HE SAID HE DID NOT EXPECT THE FEDERAL GOVERNMENT TO APPEAL THE DECISION.

2. THE MOST IMMEDIATE EFFECT OF THE DECISION IS TO GIVE THE PROVINCE CONTROL OVER ANY EXPLORATION OR DEVELOPMENT OF SEABED

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NATURAL RESOURCES INCLUDING OIL IN THE STRAITS. DECISION ALSO

AUTOMATICALLY CANCELS FEES PAID BY BC FERRIES TO NATIONAL
HARBORS BOARD FOR USE OF FERRY TERMINAL AT TSAWWASSEN.

3. ACCORDING TO GARDOM, DECISION AFFECTS ONLY SEABED AND
DOES NOT APPLY TO MATTERS TAKING PLACE "ON THE WATER SUCH
AS SHIPPING AND NAVIGATION."
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